

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA**

ALLIANCE FOR THE WILD  
ROCKIES, et al.,

Plaintiffs,

v.

TOM VILSACK, in his official  
capacity as Secretary of the  
Department of Agriculture, et al.,

Federal Defendants,

RAVALLI COUNTY, MONTANA,

Defendant-Intervenor,

STATE OF MONTANA  
DEPARTMENT OF NATURAL  
RESOURCES,

Defendant-Intervenor.

Case No. 9:24-cv-00010-DLC-KLD

JOINT MOTION TO MODIFY  
THE CASE MANAGEMENT  
ORDER/LIFT STAY OF  
DEADLINES

As contemplated by the Joint Status Report filed on September 19, 2024,  
Federal Defendants, Plaintiffs, and Intervenor-Defendants (“the Parties”) submit this  
Joint Motion to Modify the Case Management Order/Lift Stay of Deadlines:

1. On September 6, 2024, the Court maintained the stay of deadlines in the Case Management Order (“CMO”) entered on May 28, 2024, ordered that Plaintiffs send any 60-day notice of potential Endangered Species Act claims regarding the revised Biological Opinion on whitebark pine by September 13, 2024, and ordered that the Parties file another joint status report by September 20, 2024. Dkt. 39.

2. As reported in the Parties’ Joint Status Report filed on September 19, 2024, Plaintiffs did not send a 60-day notice by the September 13, 2024 deadline. Dkt. 40 ¶ 2.

3. On Friday, September 20, 2024, Plaintiffs filed a Motion for Leave to File an Amended Complaint. Dkt. 41. The Court granted Plaintiffs’ Motion on September 23, 2024, Dkt. 42, and Plaintiffs filed the Amended Complaint the same day, Dkt. 43.

4. Accordingly, there is good cause to lift the stay on the remaining deadlines in the CMO that the Court entered on May 28, 2024. Dkt. 31.

5. Further, to accommodate supplementation of the record based on the Amended Complaint as well as the schedules of counsel, the Parties jointly move to modify the CMO as follows:

Federal Defendants’ and Intervenor-  
Defendants’ Responsive Pleadings to  
Amended Complaint

October 7, 2024

Federal Defendants lodge any supplement to the Administrative Record October 23, 2024

Deadline for motion to challenge any supplement to the Administrative Record<sup>1</sup> November 6, 2024

Plaintiffs' motion for summary judgment (9,000 words) December 13, 2024

Federal Defendants' combined cross-motion for summary judgment and response to Plaintiffs' motion for summary judgment (9,000 words) January 24, 2025

Intervenor-Defendants' combined cross motions for summary judgment and response to Plaintiffs' motion (7,000 words if a joint brief; 3,500 each if separate briefs) January 24, 2025

Plaintiffs' combined responses to Defendants' cross-motions for summary judgment and reply in support of their motion for summary judgment (10,000 words) February 21, 2025

Federal Defendants' Reply in support of their cross-motion for summary judgment (5,000 words) March 21, 2025

Intervenor-Defendants' Reply in support of their cross-motion for summary judgement (3,500 words if March 21, 2025

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<sup>1</sup> This deadline applies only to a record motion challenging any supplementation of the Administrative Record because the May 24, 2024, deadline for challenging the previously lodged Administrative Record passed before the remaining deadlines were stayed. *See* Dkt. 16.

joint brief; 1,750 each if separate  
briefs)

6. Additionally, the Parties agree that, in this Administrative Procedure Act case that will be decided on the administrative record, the Court should dispense with Local Rule 56.1's requirement for each party to file separate statements of facts along with their briefs. In addition to being unnecessary because this is a record-review case, the filing of such statements would significantly increase the number of filings for the Court and Parties to consider. In lieu of filing separate statements of facts, the Parties propose adjusting the word limits (as reflected above) to allow for additional factual/background information to be included in the Parties' briefing. This proposal is meant to streamline the merits briefs and reduce the number of filings and pages.

7. Accordingly, the Parties respectfully request that the Court grant the Parties' Joint Motion to Modify the CMO/Lift the Stay of Deadlines.

Respectfully submitted on this 27th day of September, 2024.

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